IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 6490 OF 2005

Mr. Vikram Vora ...Applicant

Versus

Mr. Parmanand A. Patel & Anr ...Respondents

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Mr. S.A. Bhagwat i/b Mr. H.H. Nagi, Advocate for Applicant.

Mr. V.B. Konde Deshmukh, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 6TH OCTOBER, 2005

P. C.:-

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant has prayed for quashing of process issued against him in Criminal Case No.788/SS/2005 which is pending in the Court of learned Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai. In the said case, process has been issued against the applicant under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K. Jain & Ors. Vs. Pratap**

Vs. Padode and Anr, reported in 2005(3) Mh.L.J. 778, in my opinion, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of three weeks from today. I am informed that the date before the trial court is on 16/17.10.2005. In view of this statement, the trial Court shall not proceed with the trial on 16/17.10.2005 and for a period of two weeks thereafter.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue an authenticated copy of this order to the parties.

7. Application is disposed of.

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